

Secretary of the Commonwealth

APPLICATION AND INSTRUCTIONS FOR RESTORATION OF CIVIL RIGHTS

TO ALL PERSONS FORMERLY CONVICTED OF FELONIES:

If you have ever been convicted of a felony in Virginia or elsewhere, you may not vote, hold public office, or serve on a jury in Virginia. Likewise, you have lost the right to serve as a Notary Public. There is usually only one way to have your voting and other civil rights restored and that is by an act by the Governor of Virginia.

This packet contains the necessary forms to petition the Governor for the restoration of your rights. Please read all information and instructions carefully. **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED IN OUR OFFICE, AND WILL BE RETURNED TO YOU.** If you think you are eligible to have your rights restored, complete all of the forms, assemble the documents, and return them to this office. You will need to keep a copy of everything you forward to this office.

PLEASE NOTE: If you are eligible, you should be able to petition the Governor without the services of an attorney.

QUESTIONS AND ANSWERS ABOUT RESTORATION OF CIVIL RIGHTS

HOW DO I KNOW IF I HAVE LOST MY CIVIL RIGHTS?

You have lost your civil rights if you have ever been convicted of a felony in:

- Any Virginia court;
- Any court of any other state or the District of Columbia;
- Any federal court;
- Any court of an associated commonwealth, territory, or possession of the United States.

You have not lost your civil rights if you have only been convicted of a misdemeanor or misdemeanors.

HOW DO I KNOW IF A CONVICTION WAS FOR A FELONY?

Ask the Clerk of the Court in which you were convicted or your probation and parole officer.

WHO MAY RESTORE MY CIVIL RIGHTS?

The Governor of Virginia.

If your conviction was in a Virginia court, only the Governor may restore your rights.

If your conviction was in another state, you may have your rights restored under the laws of that state or by the Governor of Virginia.

If your conviction was in a federal court, your rights may be restored only by a Presidential Pardon or by the Governor of Virginia.

CAN A REGISTRAR OF VOTERS RESTORE MY RIGHTS?

No. If you register to vote by concealing your prior record, you may be guilty of a crime. Only a legal restoration of rights, by the Governor or other appropriate authority, gives you the right to vote.

WHO CAN I CALL IF I NEED HELP FILLING OUT MY APPLICATION?

Your local probation and parole officer will help you. **Visit our web site www.soc.state.va.us for information.** Note: Normally, you will not need an attorney to petition to have your rights restored.

HOW DO I KNOW IF I AM ELIGIBLE TO HAVE MY RIGHTS RESTORED?

You are eligible if you:

- Have completed all prison or jail terms;

- Are not under probation or parole supervision, or any suspended sentence;
- Have no pending charges in any locality;
- Have paid all fines, restitution, and/or court costs for any prior convictions; and
- Have been free of any suspended sentence, parole or probation for at least five years.

If you do not know your status with respect to a suspended sentence, fines, restitution, or court costs, consult the Clerk of the Court in which you were convicted.

WHAT IF I FAIL TO MEET ONE OF THE CONDITIONS?

If you are still under a suspended sentence, you may not have your rights restored. However, the court in which you were convicted may act to terminate your sentence. Consult your probation and parole officer.

If you are still under parole, probation, or court supervision, you may not have your rights restored. However, you may talk to your parole and probation officer about having your sentence terminated.

WHAT IS THE DIFFERENCE BETWEEN A RESTORATION OF RIGHTS AND A PARDON?

A restoration of rights restores the rights that are lost upon a felony conviction. These rights include the right to vote, to run for and hold public office, to serve on juries, and to serve as a notary public. Restoration is granted to eligible applicants.

A pardon is an act of forgiveness and is granted only in exceptional cases. You must first have your rights restored before the Governor will consider a petition for a pardon.

HOW MAY I HAVE MY CIVIL RIGHTS RESTORED?

By following all instructions that are found in this booklet.

WILL THE RESTORATION OF MY CIVIL RIGHTS RESTORE MY RIGHTS TO POSSESS OR TRANSPORT ANY FIREARM OR TO CARRY A CONCEALED WEAPON?

No. It is unlawful for any person who has been convicted of a felony in Virginia, or any other state, the District of Columbia, the United States or any territory thereof, to possess or transport any firearm or to carry a concealed weapon. If the Governor restores your civil rights, that action will not restore your rights to possess or transport any firearm or to carry a concealed weapon. **You must first have your rights restored, and then you may petition the circuit court of the jurisdiction in which you reside for a permit to possess or carry a firearm.** The court may, in its discretion and for good cause shown, grant such a petition and issue a permit.

INSTRUCTIONS

I. Application for Restoration of Civil Rights

- Line 1:** Print your full name, as you are now known. If you have ever changed your name, see instructions for Line 2.
- Line 2:** If you have ever had your name legally changed since the time of a prior conviction, print the name under which you were convicted. Also, if you were ever convicted under an alias, print the alias on this line.
- Line 3:** Print your social security number.
- Line 4:** If you were an inmate in the Virginia Department of Corrections, print your prison number on this line. If you were an inmate in any other system, print the name of the state or other authority beside the number.
- Line 5:** Print your present home address, including the state and zip code.
- Line 6:** Print your present home and work telephone numbers, including the area codes.
- Line 7:** Print your day of birth including the year.
- Line 8:** Print the name of your present employer.
- Line 9:** Print your employer's address.
- Line 10:** Print the length of time you have worked for your present employer. Give years and months.
- Line 11:** Print the name and address of your present probation and parole officer. If you no longer report to an officer, use the name and address of your most recent officer. If you have never been on probation or parole, put "N/A" in the line for "Name."

Obtain a letter from your most recent probation or parole officer outlining your period of supervision. This letter should be addressed to the Governor, c/o Secretary of the Commonwealth, and mailed with your application. If your officer has retired or is no longer working in the probation office, call the probation office that you reported to and explain to them that you are applying to have your rights restored. They will know what type of letter to send to this office.

A copy of your pre-sentencing or post-sentencing report must accompany your application. This can be obtained from your probation/parole officer or from the court in which you were convicted. If there is no pre-sentencing or post-sentencing report, you must obtain a letter on the court's letterhead indicating it is not available.

Line 12: It is very important that you list each felony conviction on your record. **Your application will be rejected if this information is not complete.**

If you do not have any of this information, you may obtain it from your probation and parole officer or the Clerk of the Court in which you were convicted.

If you cannot list all convictions on the application, put the remainder on a separate sheet of paper and attach this to the application.

Line 13: Your application cannot be processed until you have furnished certified copies of every order of conviction in your record. These may be obtained from the Clerk of the Court in which you were convicted. Print the number of conviction orders on the line.

Line 14: Attach certified copies of every sentencing order which may be obtained from your probation/parole officer or from the Court in which you were convicted. NOTE: If your order of conviction and sentencing order are the same document, write on this line: "See line 13."

Line 15: If you have ever had a sentence terminated by any court, or if you have ever had your parole or probation terminated, you should obtain certified copies of any court order or other official document modifying that term. Print the number of documents of this type on the line.

Line 16: Answer "Yes" or "No."

Line 17: Answer "Yes" or "No."

Line 18: Answer this question "Yes" or "No." PLEASE NOTE THAT, IF YOUR ANSWER TO THIS QUESTION IS "NO," YOU ARE NOT YET QUALIFIED TO APPLY. Please refer to the part of the Instruction entitled "Questions and Answers about Restoration of Rights."

Line 19: Attach certified proof of payment of fines, restitution, and/or court costs. These may be obtained from the Clerk of the Court in which you were convicted. NOTE: Court costs are not always written in the court order. If you are uncertain as to whether you need to pay costs, please contact the Clerk of the Court in which you were convicted.

II. Letter of Petition

Read and sign the letter of petition. Be sure to put the date on the proper line.

III. Letters of Reference

Take the three (3) letters of reference to three (3) reputable people who live in your present community. Be certain these are people who know you well enough to certify your good character.

Good people to ask for references might be:

- your employer or job supervisor;
- a local businesswoman or businessman;
- your minister, priest, rabbi, or other spiritual adviser;
- a leader of a local civic group;
- a state or local public official; or
- a law enforcement officer.

Have each person answer the questions in the letter and sign and date it at the bottom.

Ask each person to return the letter to you. **You must return the three (3) letters with your application.**

NOTE: Family member or in-laws may NOT sign these letters of reference. It is not necessary to explain the purpose of the letter of reference to the people who sign it, but they may wish to know. The decision to tell them is up to you.

IV. Personal Letter (Details of Offense Letter)

Please provide the Governor with a personal account of the circumstances surrounding your conviction(s), how your life has changed since then, if you are involved in any community activities, and, why, in particular, you feel your rights should be restored.

V. Mailing Instructions

Make certain you have included the following:

- the application, completely filled out, signed and notarized;
- certified copies of all felony court orders and sentencing orders;
- certified proof of payment for any fines, restitution and/or court costs;
- the letter of petition, signed and dated;
- three letters of reference, completed, signed and dated by three (3) reputable citizens;
- a current letter from your most recent probation/parole officer, addressed to the Governor, outlining your period of supervision;
- a copy of your pre-sentence or post-sentence report (This needs to be forwarded to this office by your probation or parole officer.);
- personal letter to the Governor (Details of Offense Letter).

THE SECRETARY OF THE COMMONWEALTH WILL NOT ACCEPT INCOMPLETE APPLICATIONS

Mail all of these items to:

Secretary of the Commonwealth
Attn: Clemency Division
Post Office Box 2454
Richmond, Virginia 23218-2454

APPLICATION FOR RESTORATION OF CIVIL RIGHTS

Before filling out this application, read the instructions in the booklet. Then fill in each blank. Be certain to **print or type**. If a question does not apply put "N/A" in the blank. Be certain to **attach certified copies** of all court orders to this application. The affidavit on the back of this application must be **signed in the presence of a notary public** or other official empowered to administer oaths.

1. Full Name _____
2. List any convictions you have under any other name. _____
3. Social Security Number _____
4. Prison Number (if any) _____
5. Present Home Address _____

6. Home Telephone Number _____ Work Telephone Number _____
7. Date of Birth _____
8. Name of Present Employer _____
9. Employer's Address _____
10. How long have you worked for Present Employer _____
11. Name and Address of Last Probation Officer
Name: _____
Address: _____

Obtain a letter (from your last probation or parole officer) outlining your period of supervision, and a copy of your pre-sentence or post-sentence report.
12. List ALL felony convictions on your record. (Be certain to list each conviction separately.)
Date(s) of Conviction _____
Court _____
Offense _____
Sentence _____

NOTE: If you have more than one (1) conviction, put an "X" on this line _____
Provide the same information about these convictions on a separate sheet, and attach the sheet to this application.

13. Attach a certified copy of the order of conviction in each case listed in Item #12.
Number of conviction orders attached: _____
14. Attach a certified copy of the sentencing order for each conviction listed in Item #12. If sentencing order is the same document as your order of conviction, write "See Item #13".
Number of sentencing orders attached: _____
15. Attach a certified copy of every court or other order reducing or terminating any sentence, or any term of parole or any term of parole or probation. Number of orders attached: _____
16. Have you ever received a pardon for any of the convictions listed in Item #12? If yes, date granted: _____
17. Have you previously had your civil rights restored by the Governor of Virginia? If yes, date restored: _____
18. Have you been free of any suspended sentence, parole or probation for at least five years?

19. Attach certified proof of payment of fines, restitution, and/or court costs.

Instruction For Affidavit: The following affidavit must be **signed in the presence of a notary public** or other official empowered to administer an oath.

AFFIDAVIT

I, the undersigned, do solemnly swear (or affirm) that the information on this application is complete, accurate, and true, to the best of my knowledge.

Signature of Applicant

Commonwealth of Virginia
City/County of _____

Subscribed and sworn before me this ____ day of _____ year _____

Notary Public

My Commission expires: _____

LETTER OF PETITION

Governor of Virginia
c/o Secretary of the Commonwealth
Post Office Box 2454
Richmond, VA 23201-2454

Dear Governor:

I am enclosing my application for the restoration of my civil rights. **I understand that an incomplete application will not be accepted and will be returned to me.** I am also enclosing copies of all my orders of conviction and sentencing, and all other required documents. In addition, I am submitting three letters of reference from reputable citizens who can attest to my character.

I believe that my application will prove that I have earned the right to have my civil rights restored. I understand, however, that the decision to restore my rights is yours alone.

Thank you for your consideration.

Respectfully submitted,

Signature of Applicant

Date of Application: _____

Address: _____

LETTER OF REFERENCE

Print Name

Occupation/title

Address

Address

Date

Governor of Virginia
c/o Secretary of the Commonwealth
Post Office Box 2454
Richmond, VA 23218-2454

Dear Governor:

I am writing at the request of _____,
whom I have known personally for _____ years. I am not a relative by birth or by
marriage, and I believe that he/she is a law abiding citizen of good character. My relationship with the
applicant is _____, and I have enclosed additional
comments below.

I hope this information will be of service to you.

Respectfully,

Signature of Reference

Comments:

LETTER OF REFERENCE

Print Name

Occupation/title

Address

Address

Date

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Richmond, VA 23218-2454

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Comments: